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101ST CONGRESS
1st Session

SENATE

REPORT
101-95

FAMILY PLANNING AMENDMENTS OF 1989

JULY 31 (legislative day, JANUARY 3), 1989.—Ordered to be printed

Mr. KENNEDY, from the Committee on Labor and Human Resources, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 110]

The Committee on Labor and Human Resources, to which was referred the bill (S. 110) to revise and extend the programs of assistance under title X of the Public Health Service Act having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

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The amendments are as follows:

Strike all after the enacting clause and insert in lieu thereof the following language:

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Family Planning Amendments of 1989".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference

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shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

SEC. 2. FINDINGS.

Congress finds that—

(1) comprehensive voluntary family planning services still are not readily available to all individuals in the United States desiring such services;

(2) new and improved contraceptive devices, drugs, and methods are needed in order to ensure optimum safety and choice for each individual desiring to use such devices, drugs, and methods;

(3) the high incidence of teenage pregnancies and sexually transmitted diseases has made it essential that the public receive information to prevent such pregnancies and diseases, as recommended by the Surgeon General of the United States; and

(4) sound medical practices require that all individuals be fully informed of their options in making decisions about their health care, and such practices should be promoted in the Nation's family planning program.

SEC. 3. PROJECT GRANTS AND CONTRACTS.

Section 1001 (42 U.S.C. 300) is amended—

(1) in subsection (a), by adding at the end thereof the following new sentence: "Such projects shall also offer adoption referral services, except that any adoption referral service provided under this subsection shall be nondiscriminatory as to race, color, religion, and national origin."; and

(2) by striking out subsections (c) and (d) and inserting in lieu thereof the following new subsection:

"(c) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $163,000,000 for fiscal year 1990, $171,000,000 for fiscal year 1991, and $179,500,000 for fiscal year 1992.".

SEC. 4. REPEAL OF FORMULA GRANTS.

(a) REPEAL.—Section 1002 (42 U.S.C. 300a) is repealed.

(b) CONFORMING AMENDMENT.—Section 1006(c) (42 U.S.C. 300a–4(c)) is amended by striking out "or 1002".

SEC. 5. TRAINING AND TECHNICAL ASSISTANCE GRANTS AND CONTRACTS.

Section 1003 (24 U.S.C. 300a–1) is amended to read as follows:

"SEC. 1003. TRAINING GRANTS AND CONTRACTS.

"(a) AUTHORIZATION.—The Secretary may make grants to public or nonprofit private entities and may enter into contracts with public or private entities and individuals to provide technical assistance, clinical training for personnel (including obstetric-gynecologic nurse practitioners), training for educators and counselors, and training of other personnel, to carry out the family planning service programs described in section 1001 and the information and education programs described in section 1005.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants and contracts under this section, there are authorized to be appropriated $4,515,000 for fiscal year 1990, $4,741,000 for fiscal year 1991, and $4,978,000 for fiscal year 1992.".

SEC. 6. CONDUCT OF RESEARCH ACTIVITIES.

Section 1004 (42 U.S.C. 300a–2) is amended—

(1) by inserting "(a)" before "The";

(2) in paragraph (2)—

(A) by inserting "and evaluation" after "development"; and

(B) by inserting before the period the following: "and research to improve the clinical management and direct delivery of family planning services"; and

(3) by adding at the end thereof the following new subsections:

"(b) To enhance the ongoing work of the National Institutes of Health under section 301 and under subsection (a) in applied contraceptive research and evaluation, and specifically to promote the development, evaluation, and bringing to the marketplace, of new and improved contraceptive devices, drugs, and methods, the Secretary may conduct, and make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the conduct of—

"(1) applied research into the development of new or improved contraceptive devices, drugs, and methods; and

"(2) evaluations of the acceptance, convenience, safety, efficacy, and cost of contraceptive devices, drugs, and methods.

"(c) For the purpose of making grants and entering into contracts under subsection (b), there are authorized to be appropriated $10,000,000 for fiscal year 1990, and such sums as may be necessary for each of the fiscal years 1991 and 1992. Amounts appropriated under this subsection shall be in addition to amounts allocated under section 301(a) for the National Institute of Child Health and Human Development.".

SEC. 7. INFORMATION AND EDUCATION.

Section 1005 (42 U.S.C. 300a-3) is amended to read as follows:

"SEC. 1005. COMMUNITY-BASED INFORMATIONAL AND EDUCATIONAL PROGRAMS.

"(a) AUTHORIZATION.—The Secretary may make grants to or enter into contracts with public and nonprofit private entities to establish community-based information and education programs to assist individuals in making responsible choices concerning human sexuality, pregnancy, and parenthood, and to enable individuals to prevent unintended pregnancies and sexually transmitted diseases. Programs supported under this section shall place special emphasis on the provision of information and education to parents and adolescents, and shall include information about the availability of a broad range of acceptable and effective family planning methods and services.

"(b) AWARDING OF GRANTS, CONTRACTS, ETC.—The Secretary shall—

"(1) conduct, or make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the conduct of, training and technical assistance activities to assist in carrying out subsection (a); and

"(2) make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the development, evaluation, and dissemination of educational and informational materials that are consistent with the objectives specified in subsection (a) for information and education programs.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For grants and contracts under this section, there are authorized to be appropriated $10,000,000 for fiscal year 1990, and such sums as may be necessary for each of the fiscal years 1991 and 1992. Not more than 10 percent of the amounts appropriated under this preceding sentence for a fiscal year shall be available to carry out subsection (b).".

SEC. 8. DATA COLLECTION.

(a) IN GENERAL.—Title X (42 U.S.C. 300 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1010. DATA COLLECTION.

"(a) COLLECTION OF DATA.—The Secretary shall collect on an annual basis data concerning—

"(1) the number of low-income and marginal-income individuals, and the number of adolescents, at risk of unintended pregnancies;

"(2) the sources of funding available for family planning services in the United States;

"(3) the number of individuals who receive family planning services from entities that receive grants and contracts under section 1001 and the age, gender, race, and family income of such individuals; and

"(4) the types of family planning services by individuals who receive services from entities which receive grants and contracts under section 1001.

"(b) GRANTS AND CONTRACTS.—The Secretary may make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the collection of data under this section. The Secretary shall make available to the public data and information collected under this section.".

(b) TECHNICAL AMENDMENT.—Section 1009 (42 U.S.C. 300a-6a) is amended by adding at the end thereof the following new subsection:

"(d) Each plan prepared under this section shall be based upon data collected under section 1010.".

SEC. 9. BREAST EXAMINATIONS.

Title X (as amended by section 8(a) of this Act) is further amended by adding at the end thereof the following new section:

"SEC. 1011. BREAST EXAMINATIONS.

"All grantees who receive assistance under this title shall provide education to patients concerning self breast examinations.".

SEC. 10. STUDY OF PARENTAL CONSENT FOR FAMILY PLANNING.

Section 301 (42 U.S.C. 241) is amended by adding at the end thereof the following new subsection:

"(e)(1) The Secretary shall make available $1,800,000 during the fiscal years 1990 through 1992 for the selection of a single State in which to establish a research project meeting the requirements of paragraph (2), to determine the impact of family planning services in a State that has in effect a law prohibiting the use of public funds for the provision of family planning services to an unmarried minor without the prior written consent of the parent or guardian of the minor.

"(2)(A) Notwithstanding any other provision of this Act, the Secretary may, for any fiscal year, make grants to or enter into contracts with public agencies in a State described in paragraph (1) for the provision of family planning services. Activities conducted by public agencies in the State under such grants and contracts shall be carried out in accordance with the State law described in paragraph (1).

"(B) A public agency in a State described in paragraph (4) that desires to receive a grant or contract under this subsection shall submit an application to the Secretary in accordance with such requirements as the Secretary may prescribe.

"(C) An application submitted under subparagraph (B) shall contain assurances satisfactory to the Secretary that—

"(i) prior to April 1, 1981, there was enacted in the State a law described in paragraph (1);

"(ii) for the fiscal year for which the application is submitted, such law will not be applied to family planning services provided by private agencies;

"(iii) if a public agency of the State makes a grant to, or enters into a contract with, a private agency for the provision of family planning services, and such grant or contract is funded in whole or in part from amounts received by that agency under this subsection, the State shall ensure that such private agency meets the same requirements for eligibility for assistance under title X as the Secretary may prescribe for all private agencies assisted under title X;

"(iv) Federal funds made available under this subsection to public agencies in the State will be used to supplement and increase the level of public funds expended for family planning services within the State, and will in no case be used to supplant such public funds; and

"(v) the State shall submit to the Secretary annual reports in such form as the Secretary shall require in order to assess the effectiveness of the financial assistance provided under this subsection within the State.

"(3) This subsection shall not be construed to authorize the Secretary to make grants to, or enter into contracts with, a private entity in which the research project under this subsection is conducted unless that private entity complies with the requirements established under title X for a private entity outside of the State and applies for grants and contracts under this subsection.

"(4)(A) Not later than 3 years after the date of enactment of this subsection, the Comptroller General of the United States shall prepare and submit to Congress a report that—

"(i) evaluates the effect of requiring the parent or guardian of an unmarried minor to give written consent prior to the provision of family planning service to such minor on the reduction of the rate of unintended adolescent pregnancies in the State in which the research project is conducted under this subsection; and

"(ii) compares the rate of unintended adolescent pregnancies in that State with rates of such pregnancies in other States.

"(B) The Secretary, in consultation with the Comptroller General of the United States, shall provide for the collection of data to assist the Comptroller General in preparing the report required under this paragaaph.".

SEC. 11. AUTHORIZATION OF APPROPRIATIONS FOR ADOLSECENT FAMILY LIFE PROGRAM.

Subsection (a) of section 2010 (42 U.S.C. 300z-9) is amended to read as follows:

"(a) For the purpose of carrying out this title, there are authorized to be appropriated $9,529,000 for each of the fiscal years 1990 through 1992.".

SEC. 12. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on the date of enactment of this Act.

I. Summary of the Bill

As reported by the Committee, S. 110 amends and extends for 3 years the family planning project grant authority under title X of the Public Health Service (PHS) Act. The bill extends through FY 1992 the authority of the Secretary of Health and Human Services (HHS) to make grants to, and enter into contracts with, public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects. The bill requires that all grantees receiving assistance under title X must provide instruction to patients concerning self breast examinations. It also requires title X project grantees to offer adoption referral services, which shall be nondiscriminatory as to race, color, religion, or national origin. The bill repeals the family planning formula grant authority under section 1002 which was authorized in 1970 but never funded.

S. 110 authorizes grants and contracts for technical assistance, clinical training for personnel (including obstetric-gynecologic nurse practitioners), training for educators and counselors, and training of other personnel, to carry out family planning service and information and education programs.

S. 110 extends and expands the authority in section 1004 for support of research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population. The bill adds a new authority for research to improve the clinical management and direct delivery of family planning services. In addition, S. 110 includes new authority to enhance the ongoing authority of the National Institutes of Health (NIH) in applied contraceptive research and development and to promote the development, evaluation, and bringing to the marketplace of new and improved contraceptive devices, drugs, and methods. The bill authorizes support for (1) applied research into the development of new or improved contraceptive devices, drugs, and methods; and (2) evaluations of the acceptance, convenience, safety, efficacy, and cost of contraceptive devices, drugs, and methods.

S. 110 amends the existing authority under section 1005 for information and education on family planning. As amended by the bill, S. 1005 authorizes grants and contracts for community-based information and education programs to assist individuals in making responsible choices concerning human sexuality, pregnancy, and parenthood, and to enable individuals to prevent unintended pregnancies and sexually transmitted diseases. Such programs will have to place special emphasis on the provision of information and education to parents and adolescents, and include information about the availability of a broad range of acceptable and effective family planning methods and services. The new authority will include support for training and technical assistance to assist in carrying out the information and education programs, and for the development, evaluation, and dissemination of educational and informational materials consistent with the objectives of the amended information and education program authority.

S. 110 requires the Secretary to collect annually, and make available to the public, data on:

The number of low-income and marginal-income individuals and adolescents at risk of unintended pregnancies;

The sources of funding available for family planning services in the United States;

The number, age, gender, race, and family income of individuals who receive title X family planning clinic services; and

The types of family planning services chosen by individuals receiving title X family planning clinic services.

S. 110 authorizes a research demonstration project under section 301 of the PHS Act to study the effect of parental consent on the provision of family planning to minors.

S. 110 reauthorizes for 3 years, through fiscal year 1992, the Adolescent Family Life program under title XX of the PHS Act.

II. History of the Legislation

S. 110, a bill to revise and extend the program of assistance for family planning services under title X of the PHS Act, was introduced by Senator Kennedy and others on January 25, 1989, and was referred to the Senate Committee on Labor and Human Resources. The Committee held hearings on S. 110 on May 9, 1989. On June 14, 1989, the Chairman of the Committee, Senator Kennedy, convened an executive session to consider S. 110. On that day an amendment in the nature of a substitute was adopted and the bill, so amended, was reported favorably by the Committee on Labor and Human Resources.

III. Section-by-Section Analysis

Section 1 of the bill provides that this Act may be cited as the Family Planning Amendments of 1989.

Section 2 includes the findings of the Congress relating to the bill:

Comprehensive voluntary family planning services are not readily available to all individuals in the U.S. desiring such services;

New and improved contraceptive devices, drugs, and methods are needed in order to ensure optimum safety and choice for each individual desiring to use such devices, drugs, and methods;

The high incidence of teenage pregnancies and sexually transmitted diseases has made it essential that the public receive information to prevent such pregnancies and diseases, as recommended by the Surgeon General of the U.S.; and

Sound medical practices require that all individuals be fully informed of their options in making decisions about their health care, and such practices should be promoted in the Nation's family planning program.

Section 3 of the bill specifies that whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the PHS ACT.

Section 4(a) of the bill amends section 1001(a) to require that family planning projects offer adoption referral services, which

shall be nondiscriminatory as to race, color, religion, or national origin.

Section 4(b) of the bill amends section 1001 of title X to authorize appropriations for family planning project grants and contracts through FY 1992 at $163,000,000 for FY 1990, $171,000,000 for FY 1991, and $179,500,000 for FY 1992.

Section 5(a) repeals the formula grant authority under section 1002 of title X.

Section 5(b) amends section 1006(c) of title X to delete a reference to section 1002.

Section 6 of the bill amends section 1003 of title X to authorize support for training and technical assistance. Section 1003 as amended authorizes the Secretary to make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals to provide technical assistance, clinical training for personnel (including obstetric-gynecologic nurse practitioners), training for educators and counselors, and training of other personnel, to carry out family planning service programs in section 1001 and information and education programs in section 1005. Section 1003 as amended authorizes appropriations of $4,515,000 for FY 1990, $4,741,000 for FY 1991, and $4,978,000 for FY 1992 for technical assistance and training grants and contracts under this section.

Section 7 of the bill amends the authority for family planning research in section 1004 of title X to include evaluation to the existing authority for research in contraceptive development. Section 7 also authorizes the Secretary to enhance the ongoing work of NIH under section 301 of the PHS Act and under 1004 in applied contraceptive research and evaluation, and specifically to promote the development, evaluation, and bringing to the marketplace of new and improved contraceptive devices, drugs, and methods. Section 1004 as amended authorizes the Secretary to conduct, and make grants and enter into contracts for the conduct of—(1) applied research into the development of new or improved contraceptive devices, drugs, and methods; and (2) evaluations of the acceptance, convenience, safety, efficacy, and cost of contraceptive devices, drugs, and methods. As amended, section 1004 authorizes appropriations of $10,000,000 for FY 1990 and such sums as may be necessary for each of FY 1991 and 1992 for grants and contracts for applied contraceptive research and development and evaluations. Amounts appropriated under this authority shall be in addition to amounts allocated under section 301(a) of the PHS Act for the National Institute of Child Health and Human Development.

Section 8 of the bill amends section 1005 of title X to authorize support for community-based informational and educational programs. Section 1005(a) as amended authorizes grants to or contracts with public and nonprofit private entities to establish community-based information and education programs to assist individuals in making responsible choices concerning human sexuality, pregnancy, and parenthood, and to enable individuals to prevent unintended pregnancies and sexually transmitted diseases. Programs supported under this authority shall place special emphasis on the provision of information and education to parents and adolescents, and shall include information about the availability of a

broad range of acceptable and effective family planning methods and services. Section 1005(b) as amended directs the Secretary to conduct, or make grants and enter into contracts for the conduct of, training, and technical assistance activities to assist in carrying out subsection (a); and to make grants and enter into contracts for the development, evaluation, and dissemination of educational and informational materials consistent with the objectives of subsection (a) for information and education programs. Section 1005(c) as amended authorizes appropriations of $10,000,000 for FY 1990, and such sums as may be necessary for each of FY 1991 and 1992 to carry out information and education programs. Not more than 10 percent of the amounts appropriated for a fiscal year shall be available to carry out subsection (b).

Section 9(a) of the bill adds a new section 1010 dealing with data collection to title X. Section 1010 requires the Secretary to collect on an annual basis data concerning:

The number of low-income and marginal-income individuals, and the number of adolescents, at risk of unintended pregnancies;

The sources of funding available for family planning services in the U.S.;

The number of individuals who receive family planning services from entities that receive family planning services grants and contracts under section 1001 and the age, gender, race, and family income of such individuals; and

The types of family planning services chosen by individuals who receive services from entities which receive family planning services grants and contracts under section 1001. Section 1010 authorizes the Secretary to make grants to public and nonprofit entities and enter into contracts with public and private entities and individuals for the collection of such data. The section requires the Secretary to make the data and information collected available to the public.

Section 9(b) of the bill amends section 1009 of title X to require each of the family planning reports currently required to be submitted annually by the Secretary to the Congress to be based on data collected under section 1010.

Section 10 of the bill authorizes a new section 1011 of the Act to require all grantees who receive assistance under title X to provide instruction to patients concerning self breast examinations.

Section 11 amends section 301 of the PHS Act to establish a research demonstration project to study the effect of parental consent on the provision of family planning services to minors. The new subsection (e) of section 301 as authorized by this Act directs the Secretary to make available $1,800,000 for the selection of a single State in which to establish a research project. Such project will determine the impact of family planning services in a State that has in effect a law prohibiting the use of public funds for the provision of family planning services to an unmarried minor without the prior written consent of the parent or guardian of the minor. Under this authority, the Secretary may make grants or enter into contracts with public agencies in a State with such a law for the provision of family planning services. Activities conducted by

public agencies in the State under such grants and contracts shall be carried out in accordance with the State law.

Under section 301(e) as established by the bill, a public agency in the State desiring to receive a grant or contract under this authority shall submit an application in accordance with requirements prescribed by the Secretary. Such an application shall contain assurances that:

Prior to April 1, 1981, the State enacted a law prohibiting the use of public funds for family planning services to an unmarried minor without prior written consent of parent or guardian;

For the fiscal year for which the application is submitted, such law will not be applied to family planning services provided by private agencies;

If a public agency of the State makes a grant to, or enters into a contract with, a private agency to provide family planning services, and such grant or contract is funded in whole or in part from amounts received under this title, the State shall ensure that such private agency meets the same requirements for eligibility for assistance as the Secretary may prescribe for all private agencies assisted under this title;

Federal funds made available under this title to public agencies in the State will be used to supplement and increase the level of public funds spent for family planning services within the State, and will in no case be used to supplant such public funds; and

The State shall submit to the Secretary annual reports in such form as required by the Secretary in order to assess the effectiveness of the financial assistance provided under this title within the State.

The Secretary is not authorized to make grants to, or enter into contracts with, a private entity for the research project under this authority unless that private entity complies with requirements established under this title for a private entity outside of the State that applies for grants and contracts under this authority.

Not later than 3 years after the date of enactment of this authority, the Comptroller General shall prepare and submit to Congress a report that evaluates the effect of requiring the parent or guardian of an unmarried minor to give written consent prior to the provision of family planning service to such minor on the reduction of the rate of unintended adolescent pregnancies in the State in which the research project is conducted under this authority, and compares the rate of unintended adolescent pregnancies in that State with rates of such pregnancies in other States. The Secretary of HHS, in consultation with the Comptroller General, shall provide for the collection of data to assist the Comptroller General in preparing the report.

Section 11 of the bill authorizes appropriations of $9,529,000 for each of FY 1990 through 1992 for the Adolescent Family life program under title XX of the PHS Act.

Section 12 of the bill specifies that the amendments by this Act shall take effect on the date of enactment.

IV. Background and Need for the Legislation

Title X of the PHS Act provides support for family planning clinics, training of family planning personnel, research relating to family planning and population, and development and dissemination of family planning information. Title X was initially established by the Family Planning Services and Population Research Act of 1970, Public Law 91-572. Public Law 91-572 authorized, through 1973, title X funding for project grants and contracts for family planning services (section 1001), training (section 1003), research (section 1004), and informational and educational materials (section 1005). The 1970 legislation also authorized formula grants to States for family planning services, but funds for these formula grants were never appropriated by the Congress.

Public Law 91-572 required title X projects to give priority to furnishing family planning services to persons from low-income families, and prohibited projects from charging such recipients for services, except to the extent that the charges would be paid by a third-party insurer. The 1970 legislation also provided that the acceptance of any title X service to be voluntary and not a prerequisite for the receipt of any other services. The Act prohibited the use of title X funds in programs where abortion is a method of family planning.

In addition to establishing title X, Public Law 91-572 also created the Office of Population Affairs to administer the program and coordinate the activities of the then-Department of Health, Education, and Welfare on population research and family planning.

The authority for the title X program has been extended and amended by a series of legislation in the years since 1970. The Health Programs Extension Act of 1973, Public Law 93-45, extended the program through FY 1974. The Family Planning and Population Research Act of 1975, title II of Public Law 94-63, extended the program through FY 1977 and made certain amendments to the program. Public Law 94-63 specified the title X research funds be used for research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population. The 1975 amendments also required family planning projects to offer "a broad range of acceptable and effective family planning methods (including natural family planning methods)." Public Law 94-63 assured the rights of "local and regional entities" to apply for direct grants and contracts for family planning services. It also added penalties for government or project personnel who attempt to coerce any person to undergo an abortion or sterilization procedure.

The Health Services Extension Act of 1977, title III of Public Law 95-83, extended the title X authority through FY 1978. The following year Public Law 95-613 extended the program's authority through FY 1981 and required the family planning methods and services offered under the program must include infertility services and services for adolescents. Public Law 95-613 also required that informational and educational materials developed or made available under title X be suitable for purposes of title X and for the population or community to which they are made available, taking

into account the educational and cultural background of the audience and the standards of the population or community.

The Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, extended title X through FY 1984 and required family planning projects to encourage, to the extent practicable, family participation in projects. The 1981 amendment also eliminated specific spending authorization for title X family planning and population research, but left intact the Secretary's authority to conduct and make grants and contracts for such research.

Public Law 98-512 extended the authority for the title X program through FY 1985, but the authority for the program has not been reauthorized since that year. A series of continuing resolutions and appropriations acts have extended funding for title X through FY 1989 without making substantive changes to the authority. This Committee reported a bill, S. 1366, to the 100th Congress in February 1988, but the Congress adjourned before further action on the bill could be taken.

The agency within the Department of Health and Human Services responsible for administering the title X family planning program is the Office of Family Planning, which is in the Office of Population Affairs in the Office of the Assistant Secretary for Health. The authority for reviewing, awarding, and monitoring the family planning services grants has been delegated to the PHS regional offices. The grant and contract activities related to research, training, and information and education are administered directly by the Office of Family Planning.

During FY 1989, the title X program is spending an estimated $138.2 million for family planning and related activities. Most title X dollars support project grants for services in family planning clinics. In FY 1989, an estimated $130.4 million of the total appropriation will fund 88 "services" grantees, which include State health departments, other governmental entities, and nonprofit health agencies and community groups. During this year more than 4.3 million clients are expected to receive family planning and infertility services at approximately 4,000 clinic sites operated by health departments, hospitals, universities, and other public and nonprofit agencies who subcontract with the primary grantees to provide these services. Approximately $4.7 million of the title X appropriation will fund research, training, and information and education activities. The remaining $3.1 million funds program support including staff and operating costs of the Office of Family Planning.

Clinics participating in the title X program are required to offer a broad range of acceptable and effective family planning methods and services to all persons desiring such services. These services include natural family planning methods, counseling services, physical examinations (including cancer detection and laboratory tests), infertility services, services for adolescents, pregnancy tests and nondirective pregnancy counseling contraceptive supplies, periodic follow-up examinations, referred to and from other social and medical service agencies, and ancillary services. Clinics are required to encourage, to the extent practicable, family participation.

The title X statute prohibits the use of family planning funds in programs where abortion is a method of family planning. The ac-

ceptance of all family planning services must be voluntary and must not be a prerequisite for the receipt of any other services (e.g., the Aid to Families with Dependent Children (AFDC) program may not require an individual to use family planning services in order to receive its benefits).

Title X requires that priority for the provision of clinic services be given to low-income clients. Clinics must provide services free of charge (except to that extent that Medicaid or other health insures cover these services) to clients whose incomes do not exceed 100 percent of the poverty level. A sliding payment scale must be offered for those whose incomes are between 100 and 250 percent of poverty level.

Title X provide funding for training nurse practitioners and other clinic personnel to carry our family planning services. Training is provided in such areas as family involvement, program management, clinic management, counseling and client education, infertility, and natural family planning. The program also directs funds to public or private organizations for the development and dissemination of family planning and population growth information and educational materials. Activities include the operation of the National Clearinghouse for Family Planning Information and the development of materials to help parents communicate with their children and assist in making responsible choices concerning sexuality, pregnancy, and parenthood.

Research supported under title X includes research in the biomedical, contraceptive development, behavioral, and program implementation field of family planning and population. The Office of Family Planning awards grants and contracts for research to help family planning providers deliver their services more effectively and efficiently. The National Institute of Child Health and Human Development, one of the institutes of NIH, is also authorized to award grants and contracts for title X research. Such research includes biomedical research on the problems of human fertility and infertility, development of safe and effective methods for fertility regulation, evaluation of the benefits and risks of current contraceptive methods, and demograghic and behavioral sciences research on the causes and consequences of population structure and change.

TITLE X OF THE PUBLIC HEALTH SERVICE ACT AUTHORIZATIONS AND APPROPRIATIONS

[In millions of dollars]

	Authorization	Appropriation
Fiscal year:		
1971	30.0	6.0
1972	60.0	61.8
1973	111.5	100.6
1974	111.5	100.6
1975	111.5	100.6
1976	115.0	100.6
1977	115.0	100.6
1978	136.4	135.0
1979	200.0	135.0
1980	230.0	162.0
1981	264.5	161.0
1982	126.5	124.0

TITLE X OF THE PUBLIC HEALTH SERVICE ACT AUTHORIZATIONS AND APPROPRIATIONS—Continued

[In millions of dollars]

	Authorization	Appropriation
1983	139.2	124.0
1984	150.0	140.0
1985	158.4	142.5
1986	[1] NA	[2] 136.4
1987	[1] NA	142.5
1988	[1] Na	[3] 139.7
1989	[1] NA	[3] 138.3

[1] Authorizing legislation expired September 30, 1985. Program funded by continuing resolution in FY 1986 through 1988 and appropriation in FY 1989.

[2] Funding reduced from $142.5 in compliance with Balanced Budget and Emergency Deficit Control Act of 1985 (also known as the Gramm-Rudman-Holling Act) by $6.1 million.

[3] These figures represent not only actual service costs, ($135.4 million for 1988 and $135.1 for 1989), but also program support costs including staff salaries and operating cost ($3.2 million per year). Prior to 1988, figures listed do not include these costs.

V. Committee Views

SERVICES

This legislation extends and revises the authorization of federal funding for title X of the Public Health Service Act. For family planning services, S. 110 authorizes $163,000,000 for fiscal year 1990; $171,000,000 for fiscal year 1991; and $179,500,000 for fiscal year 1992. Additional authorizations are provided for training and technical assistance activities, and for two new initiatives, one in contraceptive research and another in information and education.

The Committee finds that comprehensive voluntary family planning services still are not readily available to all individuals in the United States desiring such services. As a result of budget cuts, current title X funding levels are nearly 15 percent below the 1981 appropriations level in real dollars; by conservatively factoring in increases to offset inflation since 1981, the funding level for 1990 should be at $230 million. The Committee believes the modest funding increases provided in S. 110 strike the appropriate balance between fiscal restraint and the need to restore funds for these important health services.

Family planning and other public health concerns

The Committee recognizes the important link between family planning and other major public health issues high on the national agenda. It sees family planning as a necessary component of overall strategies to reduce the incidence of infant mortality, AIDS, and adolescent pregnancy.

The Committee is aware that low birth weight and poor prenatal care are strong predictors of infant mortality. The Institute of Medicine in its 1985 report, "Preventing Low Birth Weight," concluded that "family planning services should be an integral part of overall strategies to reduce the incidence of low birth weight in infants." In 1988, the Institute released a major report on prenatal care. Entitled "Prenatal Care: Reaching Mothers, Reaching Infants," this second study emphasized the association between unintended pregnancy and inadequate prenatal care, and urged deeper national commitment to family planning services and education.

The Committee finds title X family planning clinics to be in a unique position to provide AIDS information and prevention services to clients, including women of childbearing age and sexually active adolescents. The Committee commends family planning providers for reaching out to individuals at risk of HIV infection with information and counseling, and encourages title X agencies to work cooperatively with other community agencies to find innovative ways of providing these services. At the same time, the Committee understands that present levels of title X funding are inadequate to meet the need for core, mandated family planning services, and encourages providers wherever possible to seek funding for AIDS information and prevention activities from other appropriate funding sources.

Equally strong support for family planning services is found in research on adolescent pregnancy. In 1987, the National Academy of Sciences concluded that "the major strategy for reducing early unintended pregnancy must be the encouragement of diligent contraceptive use by all sexually active teenagers." The panel further recommended continued public support for contraceptive services to adolescents. In 1989, the Southern Governors' Association issued a new report, "Adolescent Pregnancy in the South: Breaking the Cycle," which agreed that the federal government should continue strong support of the title X family planning program which provides preventive health services to 1.5 million teenagers annually.

Confidentiality of services to teenagers

The Committee agrees with the recommendations of the Institute of Medicine that family planning services for sexually active teens should minimize potential barriers of cost, convenience, and confidentiality. At the same time, it endorses the longstanding efforts of family planning clinics to encourage voluntary parent-child communication. The Committee views any attempt to mandate such communication through parental notification or consent requirements as undermining an important goal of the family planning program—to reach sexually active teenagers with contraceptive services and information.

AMENDMENTS TO SECTION 1001 (SERVICES)

The Committee recognizes the importance of preserving a multiplicity of providers of family planning services and directs the Secretary to make each grant decision on the basis of the types of services needed within a given region. To the end, S. 110 departs from current law by striking the provision permitting formula grants to states, an administrative system never utilized in the 18 year history of the program. Further, the Committee feels that decisions on the types of services needed within a given region are best determined by officials located in that region. It strongly encourages the Secretary to maintain the current system of regional decision making for title X family planning service grant awards.

S. 110 incorporates a change from current law that strikes a provision permitting the Department of substitute supplies or equipment for monetary grants. This part of the legislation has never been used and is seen by the Committee as unworkable.

The Committee has amended S. 110 to require grant recipients under title X to provide instruction to patients concerning self breast examinations. The Committee recognizes that this procedure is considered critical to early detection of breast cancer, and notes that it is already a core reproductive health care service provided by most, if not all, title X projects.

Finally, the Committee has added an amendment to require title X projects to offer adoption referral services. These services are also offered by title X clinics at the present time, but the amendment clarifies the point that such services are to be nondiscriminatory as to race, color, religion or national origin. The Committee recognizes that adoption referral services are appropriate in the context of a family planning clinic setting in two circumstances: as part of counseling a couple who proves to be infertile, and as a component of pregnancy options counseling for women facing unintended pregnancies. The Committee reasserts its support of the mandate in the existing title X guidelines for nondirective counseling and referral upon request for all options concerning unintended pregnancy.

TRAINING

The Committee continues to support training and technical assistance for the providers of family planning services. S. 110 emphasizes support for the clinical training of obstetric-gynecological nurse practitioners. The Committee appreciates the increasing role of ob-gyn nurse practitioners in the cost-effective delivery of family planning services, and believes that training nurse practitioners through programs based in title X agencies enhances family planning service delivery. Existing data show that there are no performance differences between graduates of certificate programs and masters programs, and it is the judgment of the Committee that additional degree requirements are unnecessary for the effective functioning of ob-gyn nurse practitioners in title X programs. Furthermore, additional degree requirements may create insurmountable barriers to training and recruitment of nurse practitioners in title X clinics.

S. 110 also makes specific reference to the eligibility of family planning counselors and educators for participation in training programs. The Committee supports the continued use of training grant funds for the professional development of these individuals who play in an important role in disseminating information about available family planning services.

RESEARCH

The Committee supports continuation of basic authority for biomedical family planning research, population research and development, behavioral research and program implementation related to family planning. In addition, the legislation authorizes research in improving the clinical management and direct delivery of family planning services. These projects, commonly referred to as Service Delivery Improvement grants, have provided valuable demonstrations of improved efficiency in delivering family planning services.

CONTRACEPTIVE RESEARCH—SPECIAL INITIATIVE

The Committee finds that new and improved contraceptive devices, drugs, and methods are needed to ensure optimal safety and choice for each individual desiring to use such devices, drugs and methods. S. 110 establishes a new authority to support research in the areas of contraceptive development and evaluation.

The Committee does not intend for these funds to be used as the exclusive authority for such research or as a replacement for funds that are appropriated for contraceptive technology research under other sections or titles of the Public Health Service Act. The Committee recognizes and supports the population and contraceptive research currently being conducted under the auspices of the National Institute of Child Health and Human Development (NICHD). The new authority it not intended to redirect current research. Rather it is the purpose of this section to encourage applied research leading to the development, evaluation and marketing of new contraceptive devices, drugs and methods that will be safe, effective and acceptable to the American people.

INFORMATION AND EDUCATION INITIATIVE

The Committee finds that the high incidence of teenage pregnancy and sexually transmitted diseases has made it essential that the public receive information about preventing such pregnancies and diseases. The existing authorization under title X for information and education services has been expanded. Grants will be awarded to public and private nonprofit organizations to implement community-based information and education programs to assist individuals (especially teenagers and parents) in making responsible decisions concerning human sexually, pregnancy, and parenthood.

The Committee supports increased outreach efforts to targeted individuals—particularly adolescents and their parents—to inform them of the availability of services provided under title X. Under this new authority, grants will be made both to establish community-based information and education programs and to provide training, technical assistance, and materials to them. It is the Committee's intention, however, that 90 percent of the funds made available under this authority be used to establish information and education programs. The Committee expects that community-based organizations such as educational institutions, youth-serving agencies, and family planning clinics will be the primary providers of information and education services under this section. The decision to apply for grants under this section will rest entirely with the community-based organization and the community it serves.

To date, funds authorized for information and education have been used primarily to support a family planning clearinghouse within the Office of Population Affairs. Educational materials developed by the clearinghouse have not adequately reflected the broad range of currently acceptable and effective methods of family planning. The Committee feels that new materials are needed, and will be more useful if the Office of Population Affairs consults with the Centers for Disease Control, the Food and Drug Administration, and the Center for Population Research within the National Institute of Health throughout the process of materials develop-

ment. Consultation with DHHS regional offices also may improve dissemination of new materials.

PROHIBITION ON ABORTION FUNDING

Since its enactment in 1970, title X has included a prohibition on the use of family planning funds for abortion. The title X program has been reauthorized six times since its inception and has received one-year funding extensions under appropriations legislation during the past four years. The Committee strongly urges the Department to continue operating the title X program in accordance with Congressional intent with respect to section 1008 and believes that administrative attempts to reinterpret this section to expand the scope of the abortion prohibition violate the intent of Congress.

In enacting title X, Congress intended that pregnant patients served by the title X program be provided with non-directive counseling and all information necessary to make an informed choice between parenting, adoption, and pregnancy termination, and further, that family planning services recipients receive referrals for any necessary medical and social services not provided by title X. The title X program regulations and guidelines put into effect before 1980 are consistent with this intent. The Committee intends that the title X program continue to be operated in accordance with these standards of informed consent, standards that are consistent with accepted medical practice. The Committee believes that the several federal court rulings overturning these regulations are consistent with Congressional intent.

DATA COLLECTION

S. 110 adds a new section to the title X statute to require the Secretary of Health and Human Services to collect certain family planning information. In 1984, the Department assumed all title X data collection and analysis functions within its own offices, and submitted a data collection plan and timetable to the Congress. The Department had previously gathered data through an annual contract award.

To date, the Department has not carried out its own plan or met its own deadlines. As a result, valuable family planning information has been lost. Such information is essential in evaluating the overall effectiveness of title X, and in preparing the statutorily required reports to Congress. The Committee is concered that the Department has ignored the statutory reporting requirements and urges the Secretary to ensure that future reports will be prepared completely and accurately within the deadlines established by law.

Under this new section, the Secretary is required to collect, on an annual basis, data on: (1) the number of individuals who receive title X services; (2) the age, sex, race, and family income of recipients; (3) the types of services chosen; (4) the number of low-income and marginal-income individuals, and the number of adolescents, at risk of unintended pregnancy; and (5) the sources of funding for subsidized U.S. family planning services. The Committee notes that these categories of information are drawn directly from the data collection presented by the Secretary in 1984, and further notes

that information gathered by the Bureau of Common Reporting Requirements does not meet the requirements of this section.

The Committee also recognizes that in carrying out the provisions of this section, the Secretary is not limited to the collection of data specified within it. The Committee intends for this section to establish only minimum data collection requirements; under the Secretary's discretionary authority, additional information relevant to the title X program should be collected, analyzed, and made available to the public. Although the Committee believes that data collection and analysis is an important component of the family planning program, the Secretary should develop procedures that meet the requirements of this section without compromising services.

The Committee is disconcerted that the most recent data available for the title X program are from 1983 and urges the Secretary to give immediate attention to the implementation of this section. The Committee expects that appropriate steps will be taken so that the data are gathered and analyzed by those with expertise in the area of data collection and evaluation.

SECTION 301 RESEARCH PROJECT

The Committee also adopted an amendment to title III of the Public Health Service Act. The Committee authorized the Secretary of Health and Human Services to award a demonstration grant for family planning in a single state with unique statutory constraints on service provision. This grant shall assess the effectiveness of family planning services provided to minors when parental consent for these services is required by state law.

The goal of this demonstration shall be to determine the impact of a consent requirement on the ability of family planning services to reduce unwanted teenage pregnancies. The Committee wishes to make it clear that this limited demonstration project is distinctly separate from title X and from the use of title X funds in the state in which the demonstration project will occur. This demonstration project should not be viewed as a policy precedent regarding parental consent or notification under title X.

The amendment to title III includes statutory requirements that this grant can be awarded only to a single state that has enacted a statute prohibiting the use of public funds for the provision of family planning services to an unmarried minor without the prior written consent of the minor's parent or guardian. The state law must have been enacted prior to April 1, 1981. The Committee is aware that Utah is the only state meeting this requirement. The Committee does not intend that other states conform or change their laws to qualify for this new authority in title III. The Federal funds shall be made available to the State under title III directly by the Department of Health and Human Services.

In addition, the Committee intends that guidelines be developed expeditiously in compliance with this new authority in order that funds can be disbursed promptly. Except for the state law regarding parental consent, the Federal funds shall be administered in accordance with present title X regulations and guidelines governing other state administered family planning programs. In addi-

tion, the state, at its option and in accordance with its needs, may receive technical assistance and training provided for title X guarantees. All training and technical assistance shall follow title X guidelines.

The legislation provides an additional authorization of appropriations of $1,800,000 for fiscal years 1990–92. The funds made available to the state agency shall not exceed the amount of money available to private entities in that state for family planning services under section 1001. Moreover, the funding levels for the project must be in addition to, and not in place of, funds available to title X grantees in the state. Funds appropriated for the demonstration project shall be made available under Section 301, not Section 1001, of the Public Health Service Act.

Other provisions

The Committee wishes to emphasize the fact that reauthorizing the Adolescent Family Life Act (AFLA, title XX of the Public Health Service Act) in an amendment to S. 110 shall not be construed as reflecting Congressional intent regarding title X. Notwithstanding language in AFLA, agencies funded under title X must provide teenagers with confidential services, and a broad range of acceptable and effective family planning methods must be provided to all title X clients.

VI. ADDITIONAL VIEWS OF MESSRS. COATS AND THURMOND

We support the underlying principles of title X—to provide comprehensive voluntary family planning as well as basic health services and information to low income women. However, we have serious concerns that the present title X program has strayed from original congressional intent, and therefore cannot support S. 110 in its present form.

Despite strong concerns about many of the provisions in S. 110, the "Family Planning Amendments of 1989", we have agreed to report this bill out of the Senate Committee on Labor and Human Resources in large part due to amendments adopted by the Committee which provide for: (1) a requirement that title X guarantees offer adoption services to clients in a non-discriminatory manner; (2) the authorization of a $1.8 million grant to a single State to study the effects of parental consent on the provision of family planning services to adolescents; and (3) a reauthorization of the title XX, Adolescent Family Life Demonstration Program without changing current law. These are important agreements. Although we have significant reservations about reauthorizing this legislation as proposed in S. 110, we want to signal our approval of the compromise reached and our desire that the Senate have an opportunity to address the controversial and troublesome aspects of the application of title X.

Over the course of the past nineteen years, the title X program and the actions of its grantees, have been the topic of much debate. The controversy surrounding title X has become more intense in recent years, resulting in repeated failures to secure a separate reauthorization of title X. Much of the concern is centered around the issue of abortion and an apparent loose interpretation by family planning services of the treatment of abortion in the administration of title X programs.

Our opposition to the program's administration centers around three particular areas of concern: the promotion of abortion and abortion related activities, the promotion of abortifacient research, and the promotion of school-based clinics which provide contraceptive and abortion referral services to adolescents.

PROMOTION OF ABORTION

The title X program was intended to fund preventative contraceptive family planning services. Any question as to whether this includes abortion may be clarified by reference to Section 1008 of the Public Health Service Act (42 U.S.C. 201 et seq.), the "prohibition of abortion" amendment, which states that: "None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning."

Committee Report language further states that: "The committee members clearly intend that abortion is not to be encouraged or promoted in any way through this legislation . . . There is a fundamental difference between the prevention of conception and the destruction of developing human life."

Clearly, the explicit language of section 1008, and its legislative history, illustrate that Congress intended to proscribe abortion as a method of family planning as well as any activities advocating the use of abortion as a method of family planning with regard to programs funded by title X. The separation of abortion activities from legitimate family planning activities could not be put any more simply: Title X family planning may not include abortion.

Despite this strong statutory restriction, title X guidelines actually require abortion referral and "non-directive" abortion counseling as part of "options counseling". This requirement stands in striking contrast to statute, and effectively prevents organizations intent on observing the wall of separation between abortion and family planning from participating in the title X program. This situation taints legitimate family planning methods and erodes public confidence in our Nation's Federal family planning policies.

On September 1, 1987, the United States Department of Health and Human Services published proposed rules in the Federal Register (52 F.R. 33209), to amend the regulations governing the use of title X funds in order to better reflect original Congressional intent. Under the proposed rules, clinics receiving Federal funding under title X would be (1) prohibited from providing counseling and referrals for abortion services or for any other pregnancy related services, including adoption or prenatal care; (2) required to keep their facilities physically and financially separate from those where abortions or related services are provided; and (3) prohibited from taking any action (including lobbying, paying dues to organizations, instituting legal action, or developing or disseminating materials) which "encourages, promotes, or advocates" abortion. We believe that these new regulations are very reasonable and that they would carry out the intent of Congress.

FUNDING FOR ABORTIFACIENT DRUGS

Concerns about abortion are concomitant with those about the use of title X funds to research and develop abortion inducing drugs. Section 6 of S. 110, would provide an additional $10 million for National Institutes of Health (NIH) research into "the development, evaluation, and bringing to the marketplace, of new and improved contraceptive devices, drugs, and methods," as well as authorizes grants to public and nonprofit private entities for such purposes. This broad provision may be construed to allow funding for research into abortifacient drugs, such as the controversial RU 486. We believe that such an interpretation would clearly be in contravention of Section 1008 of the title X statute.

In a February 23, 1980 memorandum, the Office of the General Counsel for the Department of Health and Human Services analyzed the permissibility of contraceptive development research under Title X's Section 1008. The General Council found that: "None of the funds appropriated under this title shall be used in

programs where abortion is a method of family planning." Specifically, the General Counsel addresed the question of whether research into new methods of contraceptive development, which are effective post-implantation, are prohibited under Section 1008. The conclusion reached was that such research violates the abortion restriction contained in Section 1008. "Since research into these methods of contraception would presumably have as their purpose the promotion of encouragement of abortion, then, funding under title X would be prohibited." We agree with the fundings of the General Counsel of the Department of Health and Human Services.

FUNDING FOR SCHOOL-BASED CLINICS

Finally, Section 7 of S. 110, provides for the authorization of "Community-Based Informational and Educational Programs," to provide information about "a broad range of acceptable and effective planning methods and services." Under such an authorization, funding could be provided for school-based clinics that promote contraceptive methods and abortion referral instead of focusing on educating students about abstinence from premarital sexual activity.

We are troubled about title X funding of school-based clinics. According to the Support Center for School-Based Clinics, these clinics presently provide comprehensive medical services in school settings, including: family planning counseling and referral, and the dispensing of contraceptives.

We concur with Eunice Kennedy Shriver, Executive Vice-President of the Joseph P. Kennedy, Junior, Foundation, in her rejection of contraception as "the first, best, or only solution to the problem of teen pregnancy". To distribute contraceptives in school settings is to give a strong message that premarital sex in adolescence is acceptable. It is also worthy of noting that the Senate Committee on Labor and Human Resources has on several occasions maintained that no title X funds should be used for school-based clinics. For these reasons, we oppose the use of title X funds to support school-based clinics.

SUMMARY

In conclusion, we do not support the reauthorization of title X as proposed in S. 110. The evidence indicates that the title X program has been administered in a manner that is not consistent with the original intent of Congress, and we believe that support of S. 110 without addressing these concerns would perpetuate error. Because title X funds and abortion continue to be intertwined to an unacceptable degree, we feel that it is important that the Senate examine the concerns that have been expressed by many Americans in regard to the administration of the title X program. It is very important that women of low socioeconomic backgrounds have access to comprehensive family planning and basic health care services. However, it is equally important that the original intent of Congress be carried out in reauthorizing the title X program.

DAN COATS.
STROM THURMOND.

VII. Votes in Committee

S. 110 was brought for markup at the Committee on Labor and Human Resources executive session on June 7, 1989. At that time the Committee discussed two amendments which were defeated.

The Committee voted to adopt and report S. 110 as amended, as an amendment in the nature of a complete substitute, by voice vote at an executive session on June 14, 1989.

VIII. Regulatory Impact Statement

The Committee has determined there will be little increase in the regulatory burden and in paperwork imposed by this bill.

IX. Cost Estimate

U.S. Congress,
Congressional Budget Office,
Washington, DC, June 26, 1989.

Hon. Edward M. Kennedy,
Chairman, Committee on Labor and Human Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget office has prepared the attached cost estimate for S. 110, the Family Planning Amendments of 1989, as ordered reported by the Senate Committee on Labor and Human Resources on June 14, 1989.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

Robert D. Reischauer,
Director.

Attachment.

Congressional Budget Office Cost Estimate

1. Bill number: S. 110.
2. Bill title: Family Planning Amendments of 1989.
3. Bill status: As ordered reported by the Senate Committee on Labor and Human Resources on June 14, 1989.
4. Bill purpose: To revise and extend the programs of assistance under title X of the Public Health Service Act.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1990	1991	1992	1993	1994
Estimated authorization level:					
Family planning project grants	163.0	171.0	179.5	.....	.....
Family planning training grants	4.5	4.7	5	.....	.....
Adolescent family life	9.5	9.5	9.5	.....	.....
Research	10	10.4	10.9	.....	.....
Community based information and education	10	10.4	10.9	.....	.....
Study on parental consent	.6	.6	.6	.....	.....
Comptroller General report	.....	.....	(1)	.....	.....
Bill total:					
Estimated authorization level	197.6	206.7	216.3	.....	.....

[By fiscal years, in millions of dollars]

	1990	1991	1992	1993	1994
Estimated outlays	115.5	177.4	205.4	88.4	27.6

[1] Less than $500,000.

Note.—Details in this table may not add to totals because of rounding.

The costs of this bill fall within budget function 550.

Basis of estimate: S. 110 would reauthorize project and training grants for family planning programs. Project grant recipients would be required to include nondiscriminatory adoption referral services as part of their programs. Training grants would be available to provide technical assistance and personnel training (for clinical, educational, and counseling staff) to carry out family planning services. S. 110 also would reauthorize the Adolescent Family Life Program. Amounts authorized for these three programs are stated in the bill.

Research would be expanded by S. 110 to enhance studies by the National Institutes of Health. Areas of research would include clinical management and the delivery of family planning services as well as the development of new contraceptive devices, drugs, and methods. Authorization is set at $10 million for fiscal year 1990, with provision for "such sums as may be necessary" for fiscal years 1991 and 1992. These "such sums" were estimated by increasing the 1990 authorization amount by projected inflation. Funding authorized in this section would be in addition to amounts allocated to the National Institute of Child Health and Human Development.

S. 110 would establish community based information and education programs to distribute information on sexuality, pregnancy, parenthood, sexually transmitted diseases, and pregnancy prevention. $10 million is authorized for fiscal year 1990, with "such sums as may be necessary" provided for fiscal years 1991 and 1992. The estimation of "such sums" was carried out as explained in the previous paragraph.

S. 110 would fund a single-state demonstration project to study the effect of mandatory parental consent on the provision of family planning services to minors. Authorization for the research project is a total of $1.8 million for fiscal years 1990 through 1992. In addition, this project would require the Comptroller General of the United States to submit a report to Congress evaluating project results by the end of 1993. Estimated cost of this report is less than $500,000.

This estimate assumes that all authorizations are fully appropriated at the beginning of each fiscal year. Outlays are estimated using spendout rates computed by CBO on the basis of recent program data.

6. Estimated cost to State and local government: The Federal government would be required to pay not less than 90 percent of program costs. This bill sets no regulations for the remaining 10 percent of program costs, although these funds could come from state and local resources.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Jennifer Vogt and Lori Housman.
10. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

X. Changes in Existing Law

In compliance with the rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Health Service Act

* * * * * * *

TITLE X—POPULATION RESEARCH AND VOLUNTARY FAMILY PLANNING PROGRAMS

PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES

Sec. 1001. (a) The Secretary is authorized to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects which shall offer a broad range of acceptable and effective family planning methods and services (including natural family planning methods, infertility services, and services for adolescents). To the extent practicable, entities which receive grants or contracts under this subsection shall encourage family participation in projects assisted under this subsection. *Such projects shall also offer adoption referral services, except that any adoption referral service provided under this subsection shall be nondiscriminatory as to race, color, religion, and national origin.*

(b) In making grants and contracts under this section the Secretary shall take into account the number of patients to be served, the extent to which family planning servicers are needed locally, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance. Local and regional entities shall be assured the right to apply for direct grants and contracts under this section, and the Secretary shall by regulation fully provide for and protect such right.

(c) The Secretary, at the request of a recipient of a grant under subsection (a), may reduce the amount of such grant by the fair market value of any supplies or equipment furnished the grant recipient by the Secretary. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment on which the reduction of such grant is based. Such amount shall be deemed as part of the grant and shall be deemed to have been paid to the grant recipient.

[(d) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1971; $60,000,000 for the fiscal year ending June 30, 1972; $111,500,000 for the fiscal year ending June 30, 1973; $111,500,000 each for the fiscal years ending June 30,

1974, and June 30, 1975; $115,000,000 for fiscal year 1976; $115,000,000 for the fiscal year ending September 30, 1977; $136,400,000 for the fiscal year ending September 30, 1978; $200,000,000 for the fiscal year ending September 30, 1979; $230,000,000 for the fiscal year ending September 30, 1980; $264,500,000 for the fiscal year ending September 30, 1981; $126,510,000 for the fiscal year ending September 30, 1982; $139,200,000 for the fiscal year ending September 30, 1983; $150,030,000 for the fiscal year ending September 30, 1984; and $158,400,000 for the fiscal year ending September 30, 1985.]

(c) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $163,000,000 for fiscal year 1990, $171,000,000 for fiscal year 1991, and $179,500,000 for fiscal year 1992.

FORMULA GRANTS TO STATES FOR FAMILY PLANNING SERVICES

SEC. 1002. [*Repealed.*]

TRAINING GRANTS AND CONTRACTS

[SEC. 1003. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to provide the training for personnel to carry out family planning service programs described in section 1001 or 1002.

[(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971; $3,000,000 for the fiscal year ending June 30, 1972; $4,000,000 for the fiscal year ending June 30, 1973 and $3,000,000 each for the fiscal years ending June 30, 1974, and June 30, 1975; $4,000,000 for fiscal year ending 1976; $5,000,000 for the fiscal year ending September 30, 1977; $3,000,000 for the fiscal year ending September 30, 1978; $3,100,000 for the fiscal year ending September 30, 1979; $3,600,000 for the fiscal year ending September 30, 1980; $4,100,000 for the fiscal year ending September 30, 1981; $2,920,000 for the fiscal year ending September 30, 1982; $3,200,000 for the fiscal year ending September 30, 1983; $3,500,000 for the fiscal year ending September 30, 1984; and $3,500,000 for the fiscal year ending September 30, 1985.]

SEC. 1003. (a) AUTHORIZATION.—The Secretary may make grants to public or nonprofit private entities and may enter into contracts with public or private entities and individuals to provide technical assistance, clinical training for personnel (including obstetric-gynecologic nurse practioners), training for educators and counselors, and training of other personnel, to carry out the family planning service programs described in section 1001 and the information and education programs described in section 1005.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants and contracts under this section, there are authorized to be appropriated $4,515,000 for the fiscal year ending September 30, 1990, $4,741,000 for fiscal year 1991, and $4,978,000 for fiscal year 1992.

RESEARCH

SEC. 1004. (a) The Secretary may—

(1) conduct, and

(2) make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals for projects for,

research in the biomedical, contraceptive development, *and evaluation* behavioral, and program implementation fields related to family planning and population *and research to improve the clinical management and direct delivery of family planning services,*

(b) To enhance the ongoing work of the National Institutes of Health under section 301 and under subsection (a) in applied contraceptive research and evaluation, and specifically to promote the development, evaluation, and bringing to the marketplace, of new and improved contraceptive devices, drugs, and methods, the Secretary may conduct, and make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the conduct of—

(1) applied research into the development of new or improved contraceptive devices, drugs, and methods; and

(2) evaluations of the acceptance, convenience, safety, efficacy, and cost of contraceptive devices, drugs, and methods.

(c) For the purpose of making grants and entering into contracts under subsection (b), there are authorized to be appropriated $10,000,000 for fiscal year 1990, and such sums as may be necessary for each of the fiscal years 1991, and 1992. Amounts appropriated under this subsection shall be in addition to amounts allocated under section 301(a) for the National Institute of Child Health and Human Development.

[INFORMATIONAL AND EDUCATIONAL MATERIALS

[SEC. 1005. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information (or materials).

[(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $750,000 for the fiscal year ending June 30, 1971; $1,000,000 for the fiscal year ending June 30, 1972; $1,250,000 for the fiscal year ending June 30, 1973; $909,000 for the fiscal year ending June 30, 1974, and June 30, 1975; $2,000,000 for the fiscal year 1976; $2,500,000 for the fiscal year ending September 30, 1977; $600,000 for the fiscal year ending September 30, 1978; $700,000 for the fiscal year ending September 30, 1979; $805,000 for the fiscal year ending September 30, 1980; $926,000 for the fiscal year ending September 30, 1981; $570,000 for the fiscal year ending September 30, 1982; $600,000 for the fiscal year ending September 30, 1983; $670,000 for the fiscal year ending September 30, 1984; and $700,000 for the fiscal year ending September 30, 1985.]

COMMUNITY-BASED INFORMATIONAL AND EDUCATIONAL PROGRAMS

SEC. 1005. (a) AUTHORIZATION.—The Secretary may make grants to or enter into contracts with public and nonprofit private entities to establish community-based information and education programs to assist individuals in making responsible choices concerning human sexuality, pregnancy, and parenthood, and to enable individuals to prevent unintended pregnancies and sexually transmitted diseases. Programs supported under this section shall place special emphasis on the provision of information and education to parents and adolescents, and shall include information about the availability of a broad range of acceptable and effective family planning methods and services.

(b) AWARDING OF GRANTS, CONTRACTS, ETC.—The Secretary shall—

(1) conduct, or make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the conduct of, training and technical assistance activities to assist in carrying out subsection (a); and

(2) make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the development, evaluation, and dissemination of educational and informational materials that are consistent with the objectives specified in subsection (a) for information and education programs.

(c) AUTHORIZATION OF APPROPRIATIONS.—For grants and contracts unders this section, there are authorized to be appropriated $10,000,000 for fiscal year 1990, and such sums as may be necessary for each of the fiscal years 1991 and 1992. Not more than 10 percent of the amounts appropriated under this preceding sentence for a fiscal year shall be available to carry out subsection (b).

REGULATIONS AND PAYMENTS

SEC. 1006. (a) Grants and contracts made under this title shall be made in accordance with such regulations as the Secretary may promulgate. The amount of any grant under any section of this title shall be determined by the Secretary; except that no grant under any such section for any program or project for a fiscal year beginning after June 30, 1975, may be made for less than 90 per centum of its costs (as determined under regulations of the Secretary) unless the grant is to be made for a program or project for which a grant was made (under the same section) for the fiscal year ending June 30, 1975, for less than 90 per centum of its costs (as so determined), in which case a grant under such section for that program or project for a fiscal year beginning after that date may be made for a percentage which shall not be less than the percentage of its costs for which the fiscal year 1975 grant was made.

(b) Grants under this title shall be payable in such installments and subject to such conditions as the Secretary may determine to be appropriate to assure that such grants will be effectively utilized for the purposes for which made.

(c) A grant may be made or contract entered into under section 1001 [or 1002] for a family planning service project or program only upon assurances satisfactory to the Secretary that—

(1) priority will be given in such project or program to the furnishing of such services to persons from low-income families; and

(2) no charge will be made in such project or program for services provided to any person from a low-income family except to the extent that payment will be made by a third party (including a government agency) which is authorized or is under legal obligation to pay such charge.

For purposes of this subsection, the term "low-income family" shall be defined by the Secretary in accordance with such criteria as he may prescribe so as to insure that economic status shall not be a deterrent to participation in the programs assisted under this title.

(d)(1) A grant may be made or a contract entered into under section 1001 or 1005 only upon assurances satisfactory to the Secretary that informational or educational materials developed or made available under the grant or contract will be suitable for the purposes of this title and for the population or community to which they are to be made available, taking into account the educational and cultural background of the individuals to whom such materials are addressed and the standards of such population or community with respect to such materials.

(2) In the case of any grant or contract under section 1001, such assurances shall provide for the review and approval of the suitability of such materials, prior to their distribution, by an advisory committee established by the grantee or contractor in accordance with the Secretary's regulations. Such a committee shall include individuals broadly representative of the population or community to which the materials are to be made available.

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PLANS AND REPORTS

SEC. 1009. (a) Not later than seven months after the close of each fiscal year, the Secretary shall make a report to the Congress setting forth a plan to be carried out over the next five fiscal years for—

(1) extension of family planning servcies to all persons desiring such services,

(2) family planning and population research programs,

(3) training of necessary manpower for the programs authorized by this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning, and

(4) carrying out the other purposes set forth in this title and the Family Planning Services and Population Research Act of 1970.

(b) Such a plan shall, at a minimum, indicate on a phased basis—

(1) the number of individuals to be served by family planning programs under this title and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

(2) an estimate of the costs and personnel requirements needed to meet the purposes of this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning programs; and

(3) the steps to be taken to maintain a systematic reporting system capable to yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

(c) Each report submitted under subsection (a) shall—

(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan contained in the previous such report;

(2) indicate steps being taken to achieve the objectives during the fiscal years covered by the plan contained in such report and any revisions to plans in previous reports necessary to meet these objectives; and

(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan contained in such report.

(d) Each plan prepared under this section shall be based upon data collected under section 1010.

DATA COLLECTION

SEC. 1010. (a) COLLECTION OF DATA.—The Secretary shall collect on an annual basis data concerning—

(1) the number of low-income and marginal-income individuals, and the number of adolescents, at risk of unintended pregnancies;

(2) the sources of funding available for family planning services in the United States;

(3) the number of individuals who receive family planning services from entities that receive grants and contracts under section 1001 and the age, gender, race, and family income of such individuals; and

(4) the types of family planning services chosen by individuals who receive services from entities which receive grants and contracts under section 1001.

(b) GRANTS AND CONTRACTS.—The Secretary may make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the collection of data under this section. The Secretary shall make available to the public data and information collected under this section.

SEC. 1011. BREAST EXAMINATIONS.

All grantees who receive assistance under this title shall provide instruction to patients concerning self breast examinations.

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TITLE III—GENERAL POWERS AND DUTIES OF PUBLIC HEALTH SERVICE

PART A—RESEARCH AND INVESTIGATION

IN GENERAL

SEC. 301. (a)-(d) * * *

(e)(1) The Secretary shall make available $1,800,000 during the fiscal year 1990 through 1992 for the selection of a single State in which to establish a research project meeting the requirements of paragraph (2), to determine the impact of family planning services in a State that has in effect a law prohibiting the use of public funds for the provision of family planning services to an unmarried minor without the prior written consent of the parent or guardian of the minor.

(2)(A) Notwithstanding any other provision of this Act, the Secretary may, for any fiscal year, make grants to or enter into contracts with public agencies in a State described in paragraph (1) for the provision of family planning services. Activities conducted by public agencies in the State under such grants and contracts shall be carried out in accordance with the State law described in paragraph (1).

(B) A public agency in a State described in paragraph (4) that desires to receive a grant to contract under this subsection shall submit an application to the Secretary in accordance with such requirements as the Secretary may prescribe.

(C) An application submitted under subparagraph (B) shall contain assurance satisfactory to the Secretary that—

(i) prior to [illegible] 981, there was enacted in the State a law described in [illegible] (1);

(ii) for the [illegible] year for which the application is submitted, such law will not be applied to family planning services provided by private agencies;

(iii) if a public agency of the State makes a grant to, or enters into a contract with, a private agency for the provision of family planning services, and such grant or contract is funded in whole or in part from amounts received by that agency under this subsection, the State shall ensure that such private agency meets the same requirements for eligibility for assistance under title X as the Secretary may prescribe for all private agencies assisted under title X;

(iv) Federal funds made available under this subsection to public agencies in the State will be used to supplement and increase the level of public funds expended for family planning services within the State, and will in no case be used to supplant such public funds; and

(v) the State shall submit to the Secretary annual reports in such form as the Secretary shall require in order to assess the effectiveness of the financial assistance provided under this subsection within the State.

(3) This subsection shall not be construed to authorize the Secretary to make grants to, or enter into contracts with, a private entity in which the research project under this subsection is conducted unless that private entity complies with the requirements estab-

lished under title X for a private entity outside of the State that applies for grants and contracts under this subsection.

(4)(A) Not later than 3 years after the date of enactment of this subsection, the Comptroller General of the United States shall prepare and submit to Congress a report that—

(i) evaluates the effect of requiring the parent or guardian of an unmarried minor to give written consent prior to the provision of family planning service to such minor on the reduction of the rate of unintended adolescent pregnancies in the State in which the research project is conducted under this subsection; and

(ii) compares the rate of unintended adolescent pregnancies in that State with rates of such pregnancies in other States.

(B) The Secretary, in consultation with the Comptroller General of the United States, shall provide for the collection of data to assist the Comptroller General in preparing the report required under this paragraph.

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TITLE XX—ADOLESCENT FAMILY LIFE DEMONSTRATION PROJECTS

SECS. 2001–2009 * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 2010. [300z–9] [(a) For the purpose of carrying out this title, there are authorized to be appropriated $30,000,000 for the fiscal year ending September 30, 1982, $30,000,000 for the fiscal year ending September 30, 1983, $30,000,000 for the fiscal year ending September 30, 1984; and $30,000,000 for the fiscal year ending September 30, 1985.] *(a) For the purpose of carrying out this title, there are authorized to be appropriated $9,529,000 for each of the fiscal years 1990 through 1992.*

(b) At least two-thirds of the amounts appropriated to carry out this title shall be used to make grants for demonstration projects for services.

(c) Not more than one-third of the amounts specified under subsection (b) for use for grants for demonstration projects for services shall be used for grants for demonstration projects for prevention services.

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